

Domestic Relations Committee  
Judicial Conference of Indiana

**Minutes**  
October 19, 2001

The Domestic Relations Committee in Indianapolis, Indiana on Friday, October 19, 2001, from 10:30 a.m.-12:40 at the Indiana Judicial Center.

1. Members present. Robert R. Aylsworth, David Bonfiglio; Thomas J. Felts, E. Michael Hoff; Keith A. Meier; Robyn L. Moberly; Michael P. Scopelitis; William C. Whitman; and Daniel F. Donahue, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting of the committee on September 12, 2001 were approved as amended.
4. New members. The following new members were introduced: David Bonfiglio; Keith A. Meier; Robyn L. Moberly; and Michael P. Scopelitis.
5. Mediation in family law cases.
  - a. Mr. Bercovitz reported the Indiana Judicial Center did not receive the demonstration mediation grant from HHS applied for under the auspices of FSSA.
  - b. The committee members agreed to prepare a report to the Indiana Supreme Court concerning the use of mediation by courts in Indiana. Judge Donahue, Chair, agreed to write a letter to the Chief Justice concerning the progress of the committee. The committee agreed to distribute the compilation of mediation program summaries with contact information to all courts. In addition, they agreed to recommend the use of senior judges as mediators on a trial court district basis. The following was discussed concerning the use of senior judges:
    - (1) Use for support, custody and visitation disputes only;
    - (2) Use for persons who otherwise could not afford mediation;
    - (3) Use a sliding scale for participants to pay for this mediation, even if administration of this suggestion would be difficult;
    - (4) Use pro bono committees for income eligibility guidelines;
    - (5) Provide training to become certified mediators at state expense;
    - (6) In exchange for training to be certified family law mediator, serve 3 days each year as a senior judge mediator, permit senior judge to be paid \$50.00 per day, and receive credit for each day of mediation service toward the 30 day senior judge requirement.
    - (7) Local trial judge should screen cases to send for senior judges mediation.
    - (8) Explore use of mental health professionals for child related disputes;Committee members agree to draft additional ideas in this area for the next meeting. Judge Donahue agreed to draft a rough copy of a report for review by the committee at their next meeting.
6. Child Support Guideline review.
  - a. Mr. Bercovitz distributed 42 U.S.C. § 667 and 45 C.F.R. § 302.56, concerning the federal requirement of a review of Indiana's child support guidelines every four (4) years. He reported the committee's review last time included gathering suggestions for improvements from judges, attorneys and members of the public, review of economic basis of the guidelines, conducting a public hearing, a work-study session for the committee to prepare revisions to the guideline, and circulation of a proposed draft for comment.

b. The committee discussed a more limited review of the economic basis of the guidelines than four years ago, and less money needed for this review, by conducting a work-study session in Indianapolis and circulating a draft of the guidelines on the Internet to save printing and postage costs.

c. The members of the committee discussed the following guideline issues:

- (1) Abatement of support under the parenting time guidelines;
- (2) ISETS computer problems with support abatement;
- (3) Review of case law in support, e.g. recent inheritance and IRA income cases;
- (4) Determination of support if both mother and father have irregular income;
- (5) Administration of support payments not going through the clerk's office;
- (6) Administration of conflicts with the emancipation statute;
- (7) Payment for child care for extended visitation; and
- (8) New sources of income to be addressed: e.g. second tier railroad fund; federal adoption subsidies, others.

7. Legislative committees.

a. Mr. Bercovitz distributed minutes from the August 31 and October 2 meetings of the Indiana Child Custody and Support Advisory Committee. He reported that Sen. Ford, Chair, asked the committee for suggestions for improvement of child support collections. The committee made the following suggestions:

- (1) Publicize the \$25.00 fee that any party can pay in private support cases to the IV-D office to have them enforce and collect child support. Many persons are unaware this can occur.
- (2) When an IV-D income withholding order is issued on an administrative basis, it should be shared in all cases, and a CCS entry should be made in the court file.
- (3) If a notice is generated by the IV-D office and sent directly to the court about support enforcement, without having the support recipient request it, problems may occur if changes in custody or visitation have occurred since the original support order was issued.

b. Mr. Bercovitz distributed minutes for the September 18 and October 3 meeting of the Interim Study Committee on Civil and Family Law Issues.

8. Other.

a. Judge Scopelitis reported he would participate in a session on Indiana's new parenting time guidelines at the Indiana State Bar Association meeting in South Bend on Thursday, October 25, 2001. He agreed to report the scenarios used, proposed solutions and comments generally back to the committee on the parenting time guidelines at the next meeting of the committee.

b. Mr. Bercovitz reported that the mediation video was shown to the Board of Directors of the Judicial Conference of Indiana at their September meeting. No action was taken by them.

9. Next meeting dates. The members of the committee agreed to meet again on Friday, January 18, February 15, March 15, April 19, May 17, July 19 and August 16, 2002 from 10:30 a.m. – 4:00 p.m. at the Judicial Center

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law